

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 7619

Petition of National Mobile	)
Communications Corp., d/b/a Sovernet	)
Communications, for designation as an	)
Eligible Telecommunications Carrier in	)
areas served by non-rural telephone	)
companies under the Telecommunications	)
Act of 1996	)

Order entered: 7/28/2010

**FIRST REVISED SCHEDULING ORDER**

On June 4, 2010, I issued a prehearing conference memorandum and scheduling order in this docket. Pursuant to the schedule, non-petitioners were required to serve discovery requests on National Mobile Communications Corp., d/b/a Sovernet Communications ("Sovernet" or "Petitioner") by July 15, 2010. Both the Department of Public Service ("Department" or "DPS") and eight independent Vermont local exchange carriers (the "Independents"),<sup>1</sup> served discovery requests on Sovernet by the required date. Sovernet's responses to those requests were due by July 26, 2010.

On July 26, 2010, Sovernet requested a 14-day enlargement of time for providing its discovery responses, extending the current due date to August 9, 2010. In its letter, Sovernet stated that neither the Department nor the Independents objected to the request. However, Sovernet did not indicate whether it contacted anyone from Telephone Operating Company of Vermont, LLC, d/b/a FairPoint Communications, the remaining party to the docket, regarding the

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1. The Independents are: Franklin Telephone Company, Ludlow Telephone Company, Northfield Telephone Company, Perkinsville Telephone Company, Shoreham Telephone Company, Topsham Telephone Company, Inc., Waitsfield-Fayston Telephone Company, Inc., d/b/a Waitsfield Telecom, d/b/a Champlain Valley Telecom, and Vermont Telephone Company, Inc., d/b/a VTel.

request. Sovernet further stated that it would communicate with the other parties regarding modifications to subsequent dates in the schedule.

I am granting Sovernet's requested extension without input from FairPoint, because FairPoint did not serve any discovery requests on Sovernet, and because Sovernet obtained the consent from the parties that did serve discovery on it. However, the fact that FairPoint did not serve discovery requests on Sovernet does not mean its interests are not implicated by the requested extension. FairPoint, the Department, and the Independents are currently scheduled to file testimony on August 10, 2010, only one day after the date Sovernet's discovery responses will now be due. It seems only reasonable to assume that these parties will need to adjust the August 10<sup>th</sup> date to allow for review of Sovernet's discovery responses before filing their testimony. This, in turn, will likely impact the other milestone dates going forward. Accordingly, when Sovernet communicates with the other parties on modifications to subsequent dates in the schedule, those communications must include all parties, preferably with the end result being a stipulated proposal encompassing each milestone in the current schedule.

Sovernet's request for an extension is granted and its discovery responses shall be provided no later than August 9, 2010. Sovernet shall work with all other parties to establish proposed modifications to the remainder of the schedule. If the parties are unable to reach a stipulated proposal, they shall file individual proposals no later than August 6, 2010.

**SO ORDERED.**

Dated at Montpelier, Vermont, this 28<sup>th</sup> day of July, 2010.

s/ John J. Cotter, Esq.  
John J. Cotter, Esq.  
Hearing Officer

OFFICE OF THE CLERK

FILED: July 28, 2010

ATTEST: s/ Susan M. Hudson  
Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)*